

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 4:18-cr-00011
)	
MARCUS JAY DAVIS,)	
<i>et al.</i>)	

UNITED STATES' MOTION TO DISMISS COUNTS 5, 9, 15, and 19

The United States of America, by undersigned counsel, hereby files this Motion to Dismiss Counts 5, 9, 15, and 19 of the First Superseding Indictment. In support of the Motion, the government states as follows:

This is a multi-defendant, multi-count RICO prosecution. As relevant to this Motion, the First Superseding Indictment currently charges as follows:

CRIMINAL ENTERPRISE	
Count 1	Racketeering Conspiracy (18 U.S.C. § 1962)
ATTEMPTED MURDER OF ARMONTI WOMACK ON JUNE 15, 2016	
Count 2	VICAR attempted murder of Armonti Womack (18 U.S.C. § 1959)
Count 3	Use of Firearm During Crime of Violence (attempted murder of Womack) (18 U.S.C. § 924(c))
Count 4	VICAR Assault with a Dangerous Weapon of Armonti Womack (18 U.S.C. § 1959)
Count 5	Use of Firearm During Crime of Violence (ADW of Womack) (18 U.S.C. § 924(c))
ATTEMPTED MURDER OF DWIGHT HARRIS ON JUNE 15, 2016	
Count 6	VICAR attempted murder of Dwight Harris (18 U.S.C. § 1959)
Count 7	Use of Firearm During Crime of Violence (attempted murder of Harris) (18 U.S.C. § 924(c))
Count 8	VICAR Assault with a Dangerous Weapon of Dwight Harris (18 U.S.C. § 1959)
Count 9	Use of Firearm During Crime of Violence (ADW of Harris) (18 U.S.C. § 924(c))
MURDER OF CHRISTOPHER MOTLEY ON AUGUST 20, 2016	
Count 10	VICAR murder of Christopher Motley (18 U.S.C. § 1959)

Count 11	Use of Firearm During Crime of Violence (murder of Motley) (18 U.S.C. § 924(c), (j))
ATTEMPTED MURDER OF JUSTION WILSON ON AUGUST 20, 2016	
Count 12	VICAR attempted murder of Justion Wilson (18 U.S.C. § 1959)
Count 13	Use of Firearm During Crime of Violence (attempted murder of Wilson) (18 U.S.C. § 924(c))
Count 14	VICAR Assault with a Dangerous Weapon of Justion Wilson (18 U.S.C. § 1959)
Count 15	Use of Firearm During Crime of Violence (ADW of Wilson) (18 U.S.C. § 924(c))
ATTEMPTED MURDER OF TYLIEK CONWAY ON AUGUST 24, 2016	
Count 16	VICAR attempted murder of Dwight Harris (18 U.S.C. § 1959)
Count 17	Use of Firearm During Crime of Violence (attempted murder of Harris) (18 U.S.C. § 924(c))
Count 18	VICAR Assault with a Dangerous Weapon of Dwight Harris (18 U.S.C. § 1959)
Count 19	Use of Firearm During Crime of Violence (ADW of Harris) (18 U.S.C. § 924(c))

Defendants Kevin Trent, Phillip Miles, and Kanas Trent, have moved to dismiss, among others, Counts 5, 9, 15, and 19 all of which allege violations of 18 U.S.C. § 924(c). Although the United States disagrees with many of the arguments asserted by Defendants, for reasons related to judicial economy, prosecutorial resources, and prosecutorial discretion, the government hereby moves to dismiss without prejudice Counts 5, 9, 15, and 19 of the First Superseding Indictment.

CONCLUSION

For the reasons stated above, the United States respectfully requests the Court to dismiss without prejudice Counts 5, 9, 15, and 19 of the First Superseding Indictment.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2019, I filed the foregoing Motion to Dismiss via ECF, which provided service on all counsel of record.

/s/ Laura Day Rottenborn
Laura Day Rottenborn
Assistant United States Attorney